

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

August 17-21, 1998

Appeal No.	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney
P	87,789	Neostrata Co., Inc. and Herald Pharmaceutical, Inc. v. Neoteric Cosmetics , Inc.	Seeherman Hanak Quinn*	genericness; 2(e)(1); whether applicant's mark is registrable under Section 2(f)	Opposition Dismissed [registration under Sec. 2(f) permitted]		"ALPHA HYDROX" [skin lotions]		
	74/676,406	Image Sciences, Inc.	Sams Seeherman* Quinn	2(d)	Refusal Affirmed		"DOCUWORKS" [computer software utility programs for document creation, production and manufacture, namely, file transfer identification, conversion from one font to another and graphic enablers]	"DOCWORX" [computer software used in the application of document management and document image processing, and computer hardware and peripherals in a networked communication environment, including laser printers, image scanners, computer processing units, optical disc juke boxes, monitors and related instruction manuals sold as a unit]	Lykos
P N	95,866 23,395	The Mead Corp. v. Lisa Frank, Inc.	Seeherman* Hohein Hairston	2(d)	Opposition Dismissed ; Petition for partial cancellation denied	"RAINBOW" [paper tablets] "RAINBOW" [school and stationery products, including paper tablets]	"RAINBOW REEF" [stationery-type portfolios, notebooks, writing tablets, memo pads and stickers] "RAINBOW CHASER" [notebooks, folders, binders, and stationery]		

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use;
(SJ)=Summary Judgment; (MD)=Motion to

Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

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August 17-21, 1998 (continued)

Case No.	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney
74/605,074	Gerald A. Weigert	Cissel Quinn Hairston*	genericness; 2(e)(1)	Refusal Affirmed [on 2(e)(1) ground only]		"JETBIKE" [boats, namely, recreational jet powered personal watercraft that plane on the surface of the water by means of runners]		Masiello	
74/714,390	Diebolt Int'l. Inc.	Sams Cissel* Hairston	whether the matter asserted for registration is being used as a trademark [Secs. 1, 2 and 45]; requirement for new specimens showing trademark use	Refusal Affirmed		"GOLD GUARANTEE" [nitrogen gas springs for press tools for the metal stamping industry and the like]		Wellington	
74/659,196	Lerner New York, Inc.	Cissel Hairston Walters*	2(d); 2(e)(2)	Refusal Affirmed (on both grounds)		"NY JEANS" (and design) [denim clothing, namely, shirts, shorts, pants, skirts]	"NY" [clothing, namely, shirts and uniform jerseys]	Saito	

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